

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Visakhapatnam Division – Surprise check conducted by the ACB Authorities on Prohibition & Excise Check Post at P. Konavalasa Border Check Post, Vizianagaram District on 04.06.2004 – Disciplinary Proceedings initiated against Sri Ch. Asiri Naidu, formerly Prohibition & Excise Inspector, Prohibition & Excise Border Check Post, P. Konavalasa, Vizianagaram District (now Retired) – Article of Charges framed – Explanation submitted – Enquiry Officer appointed – Enquiry Report submitted – Charge I is not proved and Charge II proved – Further action dropped – Orders – Issued.

REVENUE (VIGILANCE.V) DEPARTMENT

G.O.Rt.No. 1486.

Dated:15.10.2012,
Read the following:-

- 1) The Deputy Commissioner of Prohibition & Excise, Visakhapatnam., Rc.No.222/2006/A1, Dated:13.07.2006.
- 2) From Sri Ch. Asiri Naidu, formerly P&E Inspector, P.Konavalasa Check Post, Vizianagaram District, dt.4.9.2006. (WSDs)
- 3) The Deputy Commissioner of Prohibition & Excise, Visakhapatnam., Rc.No.222/2006/A1-2, Dated:18.10.2006.
- 4) From the Deputy Commissioner of Prohibition & Excise, Visakhapatnam., Rc.No.222/2006/A1, Dated:19.06.2007 along with the Enquiry Report of Prohibition & Excise Superintendent, Chodavaram, Rc.No.438/2006A, dated:02.06.2007.
- 5) Hon'ble APAT Orders, dt.27.02.2012 in O.A. No.1478/2012 filed by Sri Ch. Asiri Naidu, P&E Inspector (Retd.).
- 6) Govt. Memo No.5387/Vig.V(1)/2006-8, dt.11.09.2012.
- 7) Hon'ble APAT Orders, dt.25.09.2012 in C.A. No.1418/2012 in O.A. No.1478/2012 filed by Sri Ch. Asiri Naidu, P&E Inspector (Retd.).

O R D E R:

In the reference 1st read above, Articles of Charges were framed against Sri Ch. Asiri Naidu, formerly Prohibition & Excise Inspector, Prohibition & Excise Border Check Post, P. Konavalasa, Vizianagaram District (now Retired) alleging that he was (1) indulging in corrupt activities and collecting mamools from the crew of lorry drivers passing through the check post P. Konavalasa, Vizianagaram District; and (2) failed to maintain General Dairy.

2) In the reference 2nd read above, the Charged Officer has submitted his Written Statements of Defense to the charges framed against him.

3) In the reference 3rd read above, the Deputy Commissioner of Prohibition & Excise, Visakhapatnam has appointed the Prohibition & Excise Superintendent, Chodavaram as Enquiring Officer to conduct common enquiry on the article of charges framed against Sri Ch. Asiri Naidu, formerly Prohibition & Excise Inspector, Prohibition & Excise Border Check Post, P. Konavalasa, Vizianagaram District.

4) In the reference 4th read above, the Enquiry Officer has submitted Enquiry Report stating that out of two charges, the first one is not held proved and in respect of the Charge-II, the Enquiry Officer, while analysing his findings on the charge, has stated that it has to be ensured whether there were any instructions regarding maintenance of General Diary in the check posts and held that charge proved, subject to that ryder.

5) Meanwhile, Sri Ch. Asiri Naidu, Prohibition & Excise Inspector (Retd.) has filed O.A. No.1478/2012 for release of his pensionary benefits.

(P.T.O)

6) In the reference 5th read above, the Hon'ble Tribunal directed the respondents *"to release the pensionary benefits in favour of the applicant according to Rules, if no other charges are pending against him. However, the applicant is not entitled for any interest. The orders shall be passed within two months from the date of receipt of this order."*

7) In the reference 6th read above, a show cause notice was issued to Sri Ch. Asiri Naidu, Prohibition & Excise Inspector (Retd.) duly indicating the proposed punishment i.e., imposing a punishment of 5% cut in pension for a period of three years on the ground that the charge-II is held proved against him.

8) However, on re-examination of the whole issue, Government have observed that no specific instruction was issued by the O/o Commissioner, Prohibition and Excise regarding maintenance of General Dairy at the check posts. It is also observed from the report of the Director General, Anti Corruption General that the Delinquent Officer did maintain the Personal Cash Register, Cash Register, Duty Roster, Attendance Register, Crime Register, Vehicle Check Register etc. Hence there was no lapse on the part of the Delinquent Officer. Moreover, the Hon'ble A.P. Administrative Tribunal in its order at reference (5) read above has observed that "Therefore, it shall be deemed that no disciplinary enquiry is pending against the charge memo issued to the applicant in the said matter".

9) In the above circumstances, the Government, after careful examination of the matter in detail, hereby decided to drop further action against the Charged Officer Sri Ch. Asiri Naidu. The Delinquent Officer is accordingly exonerated from the charges.

10) The Commissioner of Prohibition & Excise, A.P., Hyderabad / the Deputy Commissioner of Prohibition & Excise, Visakhapatnam is requested to take immediate necessary action to release the pensionary benefits to the Charged Officer by following due procedure.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Ch. Asiri Naidu, S/o Late Simmanna, formerly Prohibition & Excise Inspector (Retired),
R/o D.No.1-418, Revenue Colony, KL Puram, Vizianagaram – 535 003.

Vizianagaram District. **By register post with acknowledgement due.**

The Commissioner of Prohibition & Excise, A.P., Hyderabad.

The Deputy Commissioner of Prohibition & Excise, Visakhapatnam.

The Government Pleader for Revenue (Ser.),

A.P. Administrative Tribunal, Hyderabad with a request to
apprise the position to the Hon'ble Tribunal and see that the
contempt case C.A. No.1418/2012 in O.A.No.1478/2012
may be dismissed.

Copy to:-

The Director General, Anti Corruption Bureau, A.P., Hyderabad.

The Secretary to Vigilance Commissioner, Secretariat, Hyderabad.

The District Treasury Officer, Vizianagaram.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File.

// FORWARDED :: BY ORDER //

SECTION OFFICER